

CHAPTER 7-000 SUBSIDIZED GUARDIANSHIP PROGRAM

7-001 Introduction: The Nebraska Department of Health and Human Services subsidized guardianship program provides continued financial assistance to a child after a legal guardian has been appointed and the Department's custody has been terminated.

7-001.01 Purpose: The subsidized guardianship program is designed to ensure that financial barriers or costs associated with a child's needs do not prevent the appointment of a guardian for a child as a preferred alternative to long term foster care.

7-001.02 Legal Basis: State funds may be used for subsidized guardianship payments on behalf of a child who was a Department ward, as provided in Neb. Rev. Stat., section 43-284.02.

7-001.03 Use of Other Resources: The guardian must use all available resources, benefits, and programs, including but not limited to private insurance coverage, care or services available through the education system.

7-002 Child's Eligibility: A child is eligible for the subsidized guardianship program if s/he is a ward of the Department and meets the criteria for guardianship as follows:

1. The child has a documented behavioral, emotional, physical, or mental disability;
2. The child is a member of a sibling group of three or more to be placed together;
3. The child has a strong attachment to the potential guardian and has lived successfully for a minimum of six months in the home of the potential guardian;
4. The child cannot return home despite all efforts to effect reunification;
5. The child cannot be adopted and all attempts to terminate parental rights have failed or the termination is not in the child's best interest;
6. The child is age 12 or older or, if under 12, is part of a sibling group or is attached to the proposed guardian and cannot be freed for adoption; and
7. The prospective guardian and the child can function effectively without Department supervision.

A child's eligibility ends upon the child's 19th birthday, when the child becomes emancipated or self-supporting, or when the guardianship order is terminated.

Notwithstanding any other provision, the eligibility of a child for a kinship guardianship assistance payment under Title IV-E of the Social Security Act shall not be affected by reason of the replacement of a relative guardian with a successor guardian named in a kinship guardianship assistance agreement including any amendment thereto.